


FILED

SEP 23 2008

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY  DEPUTY

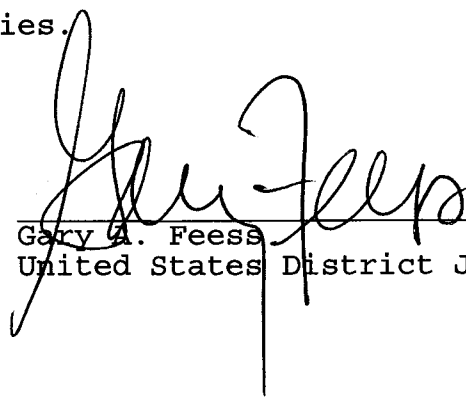
WALTER LEE COLE,
Petitioner,
v.
D.K. SISTO, Warden,
Respondent.

Case No. CV 08-5390-GAF (MLG)
ORDER ACCEPTING AND ADOPTING
FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the petition and all of the records and files and has conducted a de novo review of that portion of the Report and Recommendation of the United States Magistrate Judge to which objections were filed. The Court accepts and adopts the findings and recommendations in the Report and Recommendation and orders that judgment be entered dismissing the petition with prejudice.

IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order and the judgment on all parties.

Dated: 9/22/08


Gary A. Feess
United States District Judge